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13 Attorneys for Defendant, Marco Antonio Topete

14 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 IN AND FOR THE COUNTY OF YOLO

16 THE PEOPLE OF THE STATE OF  
17 CALIFORNIA,

18 Plaintiff,

19 and

20 MARCO ANTONIO TOPETE,

21 Defendant.

Case No. CRF08-3355

DECLARATION IN SUPPORT OF  
MOTION FOR CHANGE OF VENUE

Date: May 21, 2010

Time: 8:30 a.m.

Dept: 6

22 Thomas A. Purtell declares as follows:

23 1. I am one of the attorneys representing the defendant, Marco  
24 Antonio Topete, in the above-entitled action.

25 2. The defendant is charged, by indictment, with the capital murder  
of Yolo County Deputy Sheriff, Antonio Diaz, on June 14, 2008.

3. The People are seeking the death penalty.

**FILED**  
YOLO SUPERIOR COURT

APR 09 2010

By

Deputy

4. A trial date is presently set for May 17, 2010. There is a motion pending to change this date to June 14, 2010.

5. At the time of his death, Antonio Diaz was a sworn deputy with the Yolo County Sheriff's Office and was serving on patrol duty.

I am informed and believe that the Yolo County Sheriff's Office numbers approximately sixty (60) sworn officers and that Deputy Diaz, at the time of his death, had been with the Sheriff's Office for some ten (10) years, and had served as a sworn deputy for the last four (4) years of this period.

6. Currently, the Yolo County Sheriff's Office provides bailiffs and extra courtroom security in this case. It is assumed that this procedure will remain in effect through the trial of this case.

7. On June 14, 2010, the defendant was an unemployed California State Prison parolee who was raised in Yolo County but had been absent from the county for ten (10) years prior to returning on parole in March, 2007.

I declare that the foregoing is true under penalty of perjury, and as to those matters stated on information and believe, I believe them to be true.

Executed this 9<sup>th</sup> day of April, 2010, at Woodland, California.

THOMAS A. PURTELL  
Attorney for Defendant, Marco Antonio Topete